

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

MICHAEL LASHAWN JOHNSON,

Movant,

v.

Case No. 3:14-cv-25737

Case No. 3:13-cr-00028-01

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court find that Defendant has failed to sufficiently establish a Sixth Amendment violation based upon Carl Hostler's conduct surrounding the investigation and preparation of Defendant's case, his guilty plea or his sentencing; deny Defendant's Motion to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C. § 2255 (ECF No. 107); and dismiss this civil action from the docket of this Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and Court and **FINDS** that Defendant has failed to sufficiently establish a Sixth Amendment violation based upon Carl Hostler's conduct surrounding the investigation and preparation of Defendant's case, his guilty plea or his sentencing; **DENIES** Defendant's Motion to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C. § 2255 (ECF No. 107); and

DISMISSES this civil action from the docket of this Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: July 19, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE